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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PHILIP FEI, on behalf of himself
and classes of those similarly situated,

Plaintiff,

-against-

WEST LB AG,

Defendant.

07 Civ. 8785 (HB)(FM)

**PLAINTIFF'S NOTICE OF
MOTION FOR CONDITIONAL
CERTIFICATION AND COURT-
AUTHORIZED
NOTICE PURSUANT TO
SECTION 216(b) OF THE FLSA**

**PLAINTIFF'S MOTION FOR CONDITIONAL
CERTIFICATION AND COURT-AUTHORIZED
NOTICE PURSUANT TO SECTION 216(b) OF THE FLSA**

PLEASE TAKE NOTICE THAT:

Plaintiff Philip Fei hereby moves this Court, Honorable Harold Baer, United States District Court for the Southern District of New York, for conditional certification and court-authorized notice pursuant to Section 216(b) of the Fair Labor Standards Act ("FLSA").

In support of this Motion, Plaintiff relies on the pleadings and documents filed with this Motion, including:

- the Declaration of Linda A. Neilan, which attaches the declarations of Plaintiff and other potential plaintiffs; excerpts from the Fed. Rule 30(b)(6) deposition transcripts of Lisa Carro and Linda Shirley; Plaintiff's Amended Complaint; and documents produced by Defendant in discovery; and
- Plaintiff's Memorandum of Law in support of this Motion, dated April 25, 2008, and filed simultaneously herewith.

In addition to the pleadings and documents filed herewith, Plaintiff also will rely on the entire record in this action, such further pleadings and documents as may be filed, and oral argument as the Court may permit or require.

Pursuant to the Court's briefing schedule defendant's answering papers are to be served on May 23, 2008, with Plaintiff's reply papers to be served June 6, 2008.

Dated: April 25, 2008
New York, NY

/s/ Linda A. Neilan
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